

Pandemic Influenza Frequently Asked Questions

This document applies specifically to the State of Alaska Executive Branch agencies. It may be used as a guide by other employers but is not intended to set policy or be all inclusive.

Human Resources

In the event of a pandemic flu outbreak it may be necessary to implement “social distancing.” As a result, some employees may be directed not to report to work or to work from home. Others may be assigned to a work unit and duties that vary from their normal assignment due to the illness of other employees or employees’ family members. Below are pertinent questions and answers. This document will be updated as questions arise.

Collective Bargaining Disclaimer: This document is not intended to supersede any specifically contrary provisions of collective bargaining agreements. It should not in any way be read to add to, subtract from, supplement or modify any of the rights, privileges or obligations found in those agreements.

1. Who has the authority to direct employees not to report to work?

Ultimately, this is under the authority of the Governor. The Governor may delegate this authority in his discretion and has currently delegated this authority to the Commissioner of Administration. In an emergency, the commissioner of the employing department may issue such directives as are necessary to ensure employee safety.

2. When an employee is directed not to report to work, must the employer continue to pay salary and benefits?

Providing the employer does not take action to layoff or separate the employee(s) the employer must continue to provide both salary and benefits to employees. Exempt employees in corporation or quasi-governmental entities must be dealt with in accordance with the policy of the employing agency.

Employees who are directed not to report to work and who are continuing to receive salary and benefits must remain available for immediate recall during normal working hours.

3. If an employee becomes ill during a period of time when they have been directed not to report to work must the employer continue to provide salary and benefits?

If an employee is not available to report to work the employee is placed on leave. The employee will continue to receive their salary and benefits as long as they have leave to cover their absence.

If an employee is eligible for leave under the federal Family and Medical Leave Act they will receive health benefits for the duration of their covered absence even if they have exhausted their leave, providing they are otherwise eligible for health benefits and pay their portion of the premium. Employees who are excluded from coverage under the Family and Medical Leave Act, such as policy-level exempt and partially-exempt employees, will receive health benefits for the first twelve (12) weeks of leave providing the employee has been employed by the State for a 12-month period and worked 1,250 hours during the previous 12-month period and is otherwise eligible for health insurance.

4. When an employee is directed to work from home must the employer provide supplies and equipment?

Yes, the employer must provide necessary supplies and equipment and reimbursement for expenses the employee may incur on the States behalf when the employee is directed to work from home.

5. Is a written agreement recommended or required when an employee is directed to work from home?

A written agreement is strongly recommended. The Division of Personnel will work to develop “telecommuting” guidelines for this situation.

If the employee is “telecommuting” from a location other than their residential community or duty station, a Letter of Agreement is required.

6. If an employee is delegated the authority to perform the work of a position assigned to another job classification are they paid at the salary range assigned to that job classification?

If an employee is delegated the authority to perform essentially all of the duties of a position assigned to a higher salary range they are paid at the higher salary range providing prior written delegation is received.

If an employee is assigned to perform the duties of a position assigned to a lower salary range, the employee will continue to receive their normal rate of pay.

7. How is an employee delegated the authority to act in a higher range?

Prior written delegation from the employee’s division director is required unless otherwise provided by a collective bargaining agreement.

8. When an employee is delegated the authority to act in a higher range must the employee meet the minimum qualifications of the job classification assigned?

Although desirable, an employee is not required to meet the minimum qualifications during an initial period of acting status. The duration of the initial period is designated by contractual terms or the Personnel Rules, whichever is applicable.

Acting status that continues beyond the initial period, under most bargaining unit agreements must be approved by the Director of Personnel. Unless there is an extremely compelling business reason, the employee must meet the minimum qualifications for an extension to be granted.

9. If it becomes necessary for an acting assignment to exceed the contractually authorized initial time period can an extension be requested?

Yes. To request an extension, a written request must be submitted to the Director of the Division of Personnel. The reason for the acting assignment and the expected duration must be provided.

10. If schools and/or day care centers are closed must parents report to work?

Yes, unless on approved leave, parents must still report to work. However, a liberal leave policy will be in place.

11. Can an employee be directed not to report to work if they appear to be ill?

If an employee appears to be ill, they may be directed to provide a fit for duty statement.